

PROB 12C
(7/93)

UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TEXAS

FILED
JAN 30 2025
 CLERK, U.S. DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 BY [Signature]
 DEPUTY CLERK

Amended Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Michael Lofti Aka: Micael Lofti Case Number: DR:20-CR-1836(2)-AM
 Name of Sentencing Judicial Officer: Honorable Alia Moses, Chief United States District Judge
 Date of Original Sentence: November 12, 2021
 Original Offense: Conspiracy to Transport Illegal Aliens, in violation of 8 U.S.C. § 1324
 Original Sentence: 21 months' imprisonment, followed by a three-year term of supervised release
 Type of Supervision: Supervised Release Date Supervision Commenced: May 13, 2022
 Assistant U.S. Attorney: John P. Cooper Defense Attorney: Alberto Rodriguez (AFPD)

PREVIOUS COURT ACTION

On October 14, 2022, a Probation Form 12A was filed with the Court to address drug usage. No action was requested or taken by the Court.

On November 29, 2022, a Probation Form 12C was filed with the Court to address positive drug tests, failure to submit to drug tests, failure to report for drug counseling, and failure to pay his court ordered monetary obligations. A warrant was issued.

PETITIONING THE COURT

- ☒ The issuance of a warrant
☐ The issuance of a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1.	<u>Special Condition:</u> The defendant shall abstain from the use of alcohol and any and all other intoxicants.
2.	<u>Special Condition:</u> The defendant participate in a substance abuse treatment program and follow the rules and regulations of that program. The program shall include testing and examination to determine if the defendant has reverted to the use of drugs and alcohol. The probation officer shall supervise the participation in the program (provider, location, modality, duration, intensity, etc.). The defendant shall pay the costs of such treatment if financially able.

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3. **Special Condition:** The defendant shall submit to substance abuse testing to determine if the defendant has used a prohibited substance. The defendant shall not attempt to obstruct or tamper with the testing methods. The defendant shall pay the costs of testing if financially able.

On September 29, 2022, October 6, 2022, and October 31, 2022, the defendant submitted to random drug testing and said results returned positive for marijuana and alcohol.

On September 12, 2022, the defendant submitted to random drug testing and said test returned positive for marijuana.

On June 20, 2022, September 28, 2022, and October 4, 2022, the defendant failed to submit to random drug testing.

On June 20, 2022, the defendant failed to report for substance abuse counseling.

4. **Mandatory Condition No. 7:** If this judgment imposes a fine or restitution, it is a condition of supervision that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant as an outstanding balance of \$1,000.00 on his fine. He has willfully not made any payment since commencing his term of supervision.

5. **Mandatory Condition No 8:** The defendant shall pay the assessment imposed in accordance with 18 U.S.C. § 3013.

The defendant has an outstanding balance on his special assessment of \$50.00. His last payment was made on September 28, 2022, in the amount of \$50.00.

6. **Mandatory Condition No 1:** The defendant shall not commit another federal, state, or local crime during the term of supervision.

7. **Mandatory Condition No. 10:** The defendant shall not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified, for the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).

8. **Special Condition:** The defendant shall not use or possess any controlled substances without a valid prescription. If a valid prescription exists, the defendant must disclose the prescription information to the probation officer and follow the instructions of the prescription.

On November 19, 2022, a deputy with the Bastrop County Sheriff's Office attempted to serve an outstanding felony warrant for the offense of Possession of a Controlled Substance (Cause no. 17,089). Said case occurred prior to this federal conviction. The defendant fled from the deputy and was charged with Evading Arrest and Detention, under Cause No. 02-1201-1-22-W.

On February 12, 2023, an officer with the Smithville Police Department initiated a traffic stop on a driver of a vehicle for a traffic violation. The driver of the vehicle pulled into an apartment complex and then fled on foot. The officer gave chase and subsequently detained the subject. The driver of the vehicle was identified as Michael Lofti, who had outstanding

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warrants. A search of the defendant's vehicle and person discovered the following: 9.42 ounces of marijuana, a .40 caliber Glock 23, a .40 caliber Glock 27, and magazines with .40 ammunition for a Glock 23. Officers also seized a total \$4780 on his person and in the vehicle. The defendant was charged with Evading Arrest/Detention, Unlawful Possession of Firearm by Felon, and Possession of Marijuana.

On March 8, 2023, the defendant plead guilty to Possession of a Controlled Substance, under Cause No. 17,089, to two years imprisonment at the Texas Department of Criminal Justice (TDCJ). Terms of the defendant's Plea Agreement included dismissal of the following: -Evading Arrest/Detention, under cause JP2# 02.1202.1.22W-Smithville Municipal cases: 20230057A, 20230057B, and 20230057C for Evading Arrest/Detention, Unlawful Possession of Firearm by Felon, and Possession of Marijuana.

U.S. Probation Officer Recommendation: The defendant's term of supervision commenced on May 13, 2022. Since the defendant's supervision began, he repeatedly violated the conditions of his release by continuing to use illicit drugs. Additionally, the defendant acquired new law violations, in which he was in possession of firearms, a large amount of marijuana, and money. This pattern of noncompliance, along with the defendant's criminal activity, demonstrate a failure to take responsibility for his actions and a lack of commitment to compliance or change. These violations demonstrate the defendant's unwillingness to adhere to the conditions set by the Court. Therefore, it is respectfully recommended that a warrant be issued for the defendant's arrest and his term of supervised release be revoked.

The term of supervision should be

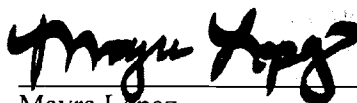
- ☒ revoked. (Maximum penalty: 2 years imprisonment; 3 years supervised release; and payment of any unsatisfied monetary sanction previously imposed)
- ☐ extended for years for a total term of years
- ☐ The conditions of supervision should be modified as follows:

Approved:



Hector J. Garcia
 Supervising U.S. Probation Officer

Respectfully Submitted,



Mayra Lopez
 U.S. Probation Officer,
 Date: January 29, 2025

Approved:




Katherine M. Gorski
 City Chief U.S. Attorney

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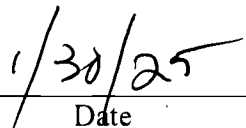
cc: Andrew Gonzales
Assistant Deputy Chief U.S. Probation Officer

THE COURT ORDERS:

- ✓ No action. The Petition for Warrant was amended to include notification of state charges and disposition.
Copies will be provided to the attorneys.
The issuance of a SUMMONS.
Other



Honorable Alja Moses
Chief U.S. District Judge



Date